

# **Access to Microfinance & Improved Implementation of Policy Reform (AMIR Program)**

**Funded By U.S. Agency for International Development**

**Establishing Enquiry Point and Notification Procedures  
and Reviewing Draft Law on Standards**

Final Report

**Deliverable for Policy Component, Task No. 4.4.14  
Contract No. 278-C-00-98-00029-00**

*December 1999*

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# Assessment of the Public Health Law of Jordan In Relation to the WTP-SPS Agreement

## My task

My task was to assess whether any provisions in the Public Health Law No. 21/1971 of the Hashemite Kingdom of Jordan (the Law) would be in conflict with the relevant provisions of the Agreement on the Application of Sanitary and Phytosanitary Measures of the World Trade Organization (SPS-Agreement, SPS-measures). In case of any such conflict, my task was to propose necessary amendments to the Law or a new law to replace the present one.

I thus note that my task did not cover assessment of the Law in relation to any other agreements of the World Trade Organization, neither whether the Law otherwise was appropriate or up-to-date.

Other WTO Agreement which would be relevant in this connection is the Agreement on Technical Barriers to Trade (TBT-Agreement).

## Assessment

I first note that only Chapter 16 of the Law is relevant for the implementation of the SPS-Agreement.

The various Articles of this Chapter fall under the SPS- and TBT-Agreements in the following way:

Article 63	SPS and TBT
Article 64	
paragraphs 1, 3 and 5	SPS
paragraphs 2 and 4	TBT
Articles 65-67	TBT
Article 68	neither-nor
Article 69	SPS and TBT
Article 70	
paragraph 1	SPS and TBT
paragraph 2	TBT

Secondly I note that the Law is written in rather general way. In practice it gives the authorities the right to take whatever measures they deem necessary to protect human life and health in Jordan (Articles 69 and 80 of the Law).

I have, however, not found anything in the Law that would be in direct conflict with the SPS-Agreement. Whether Jordan at present would fulfil the obligations under the SPS-Agreement depends fully on how the Law is implemented.

SPS-Agreement does not, however, require that SPS-measures should be defined by law. On the contrary, Annex A, paragraph 1 of the Agreement provides that "Sanitary or phytosanitary measures include all relevant laws, decrees, regulations, requirements and procedures..."

On the other hand the Law does not provide any guarantee that its implementation would comply with the requirements of the SPS-Agreement. If such a guarantee is deemed useful or necessary that could be accomplished by replacing Chapter 16 of the Law by a new, comprehensive Food Law.

### **Information procedures**

SPS-Agreement provides explicit obligations on information procedures. The Law, of course, has no relevant provisions. Even that fact is, however, no deficiency in the Law. In most countries, and probably also in Jordan, necessary legislative measures could take the form of a governmental decree instead of law.

### **Conclusion**

I have found no need to propose any amendments to the Law in order to remove conflicts with the provisions of the SPS-Agreement, but I strongly recommend the establishment of a new, comprehensive food law for Jordan.

# **JORDANIAN LEGISLATION RELEVANT TO THE WTO/SPS AGREEMENT**

## **Situation**

In my assessment of the Agriculture Law of Jordan (dated April 1, 1999) and of the Public Health Law of Jordan (dated April 21, 1999) I have concluded that these laws don't contain anything that would be in direct conflict with the WTO/SPS-Agreement. On the other hand, these laws don't provide any guarantee that Jordan would fulfill its obligations under the Agreement. The laws are more than 25 years old and clearly out-dated. I would therefore like, even if it goes beyond my mandate, to present some proposals.

## **Food Safety**

Chapter 16 of the Public Health Law should be replaced by a comprehensive Food Law. FAO has established a Model Food Law for developing countries that could and should be used as basis. The Food Law should be complemented by a number of specific food regulations. These should, as far as practicable, be based on the relevant Codex Alimentarius Standards.

## **Animal Health**

Book Two, Chapter 2 of the Agriculture Law should be replaced by a comprehensive Law on Veterinary Services. In drafting this Law and the attached regulations the guides, recommendations and standards established by the International Office of Epizootics should be used as basis.

## **Plant Protection**

Book One, Chapter 7 of the Agriculture Law should be replaced by a comprehensive Law on Plant Protection and Plant Quarantine. As basis should be used the International Plant Protection Convention as well as standards established under its auspices.

## **Participation in International Organizations**

I am not aware whether Jordan already is participating in the relevant international organizations and agreements. If not, Jordan should, as soon as possible, become member in the Codex Alimentarius Commission and in the International Office of Epizootics as well as a Contracting Party in the International Plant Protection Convention.

## **Information Procedures**

SPS- and TBT-Agreements have extensive - and identical - provisions on information procedures. In order to cover the relevant obligations a governmental decree (not law) should be established.

# **ESTABLISHING ENQUIRY POINT AND NOTIFICATION PROCEDURES AND REVIEWING DRAFT LAW ON STANDARDS**

## **1. Draft regulations on the TBT/SPS information procedures**

My recommendation was to include in the Law on Standards only a short reference to the relevant Decree, and to present the provisions for the information procedures in detail in the Decree. Jordanian authorities drafting the Law decided, however, to include rather detailed provisions in the Law itself. Thus my task was to comment on these provisions and to prepare a Decree which consequently could be rather simple.

## **2. Proposals for the proper operation of the information procedures**

My Jordanian counterparts did not request any such proposals.

## **3. Review of the Draft Law on Standards**

This was in fact my main task under this Agreement. I received subsequently two versions of the Draft Law, the first in July and the second in September. I presented comments on both these versions. In addition I answered a number of questions presented by my Jordanian counterpart Ms. Maha Ali.

## **4. Epilogue**

On December 15, 1999 I received from Dr. Salah Al-Bahsir's law firm a message requesting my advice on certain amendments in the Decree on Information Procedures. In my reply I noted that my Consulting Agreement had already expired, but that the amendments did fundamentally change my proposal and result in a more cumbersome and expensive procedure.

With the above mentioned request I received also a new version of the Draft Law on Standards. I have made a superficial study of this Draft. I have noted that a number of detailed comments which I have made have been taken into account. Unfortunately, however, several important comments have not, and this would probably cause difficulties in the foreign trade relations of Jordan.